

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

\_\_\_\_\_  
SHENIA DANCY-STEWART as Administratrix  
of the Estate of EVELINE BARROS-CEPEDA,  
Plaintiff

v.

THOMAS TAYLOR, Jr., and the  
CITY OF BOSTON  
Defendants  
\_\_\_\_\_

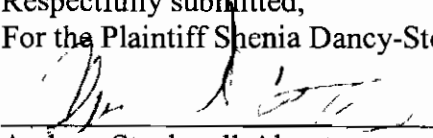
)  
) Civil Action  
) Docket No. 05-11803MLW  
)

) **PLAINTIFF'S MOTION TO**  
) **REINSTATE CLAIMS**  
)  
)  
)  
)

The Plaintiff requests that the Court reinstate all of the claims it dismissed except for Count III.

The remaining claims against the City are based on respondeat superior liability for the tortious conduct of Officer Taylor in his capacity as an employee of the City and for which the City is the party that bears the legal responsibility. Thus, if Officer Taylor's conduct is found only to be negligent under state tort law and not a violation of the decedent's civil rights, the City and not the officer is the party that is held to account for that conduct. The Plaintiff, while convinced that there is a clear violation of civil rights, is mindful of the possibility that a jury might think otherwise and has no intention of giving up all possibility of recovering damages because she has not pleaded these cause of action.

Respectfully submitted,  
For the Plaintiff Shenia Dancy-Stewart, Administratrix

  
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Certificate of Service  
I, the undersigned, certify that a true and correct copy of the above document  
was served on the undersigned party by the undersigned party on the date  
indicated at \_\_\_\_\_  
